

1 SARA M. THORPE (SBN: 146529)
2 sthorpe@nicolaidesllp.com
3 GARY A. BARRERA (SBN: 244073)
4 gbarrera@nicolaidesllp.com
5 NICOLAIDES FINK THORPE
6 MICHAELIDES SULLIVAN LLP
7 505 Montgomery Street, Suite 600
8 San Francisco, CA 94111
9 Telephone: (415) 745-3770
10 Facsimile: (415) 745-3771

11 Attorneys for Defendant/Counterclaimant
12 NATIONAL UNION FIRE INSURANCE
13 COMPANY OF PITTSBURGH, PA

14 PHILIP L. PILLSBURY, JR. (SBN: 72261)
15 ppillsbury@pillsburycoleman.com
16 INGRID S. LEVERETT (SBN: 148813)
17 ileverett@pillsburycoleman.com
18 PILLSBURY & COLEMAN, LLP
19 600 Montgomery Street, 31st Floor
20 San Francisco, California 94111
21 Telephone: (415) 433-8000
22 Facsimile: (415)433-4816

23 Monika Pleyer Lee (SBN: 117019)
24 monikalee@leelawllp.com
25 LEE LAW OFFICES
26 1700 South El Camino Real, Suite 450
27 San Mateo, California 94402
28 Telephone: (650) 212-3400 T

29 Attorneys for Plaintiff/Counter-Defendant
30 KELLY-MOORE PAINT COMPANY, INC.

31 **UNITED STATES DISTRICT COURT**

32 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

33 KELLY-MOORE PAINT COMPANY, INC.,

34 Case No. 3:14-CV-01797-MEJ

35 Plaintiff,

36 **STIPULATION OF DISMISSAL AND**
37 **[PROPOSED] ORDER**

38 v.

39 NATIONAL UNION FIRE INSURANCE
40 COMPANY OF PITTSBURGH, PA,

41 Defendant.

1 NATIONAL UNION FIRE INSURANCE
2 COMPANY OF PITTSBURGH, PA,

3 Counterclaimant,

4 v.

5 KELLY-MOORE PAINT COMPANY, INC.,

6 Counter-defendant.

7
8
9 Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff and Counter-
10 defendant KELLY-MOORE PAINT COMPANY, INC. ("Kelly-Moore") and Defendant and
11 Counterclaimant NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH,
12 PA ("National Union") hereby stipulate and agree as follows:

13 WHEREAS, on March 20, 2014, Kelly-Moore filed a Complaint in the Superior
14 Court in the State of California for the County of San Mateo, titled *Kelly-Moore Paint*
15 *Company, Inc. v. National Union Fire Insurance Company of Pittsburgh, PA, et al.*, Case
16 No. CIV-527420 (the "Action");

17 WHEREAS, the Action was moved to this Court pursuant to a Notice of Removal
18 of Civil Action filed by National Union on April 18, 2014;

19 WHEREAS, on November 10, 2014, National Union filed a Revised
20 Counterclaim;

21 WHEREAS, Kelly-Moore and National Union settled this Action on February 20,
22 2015;

23 WHEREAS, a Notice of Settlement was filed on February 23, 2015;

24 **NOW, THEREFORE**, Kelly-Moore and National Union jointly request and
25 stipulate to the entry of an Order providing that:

26 1. All claims asserted by Kelly-Moore against National Union and all
27 counterclaims asserted by National Union against Kelly-Moore are dismissed with
28 prejudice; and

1 2. Each of the parties shall bear its own costs, expenses, and attorneys' fees
2 associated with the prosecution and defense of this Action.

3 IT IS SO STIPULATED

4 Dated: May 8, 2015

PILLSBURY & COLEMAN, LLP

6 By: /s/ Philip L. Pillsbury, Jr.

7 Philip L. Pillsbury, Jr.
Ingrid S. Leverett
8 Attorneys for Plaintiff and Counter-
defendant
9 KELLY-MOORE PAINT COMPANY, INC.

10 Dated: May 8, 2015

11 LEE LAW OFFICES

12 By: /s/ Monika Pleyer Lee

13 Monika Pleyer Lee
14 Attorneys for Plaintiff and Counter-
defendant
15 KELLY-MOORE PAINT COMPANY, INC

16 Dated: May 8, 2015

17 NICOLAIDES FINK THORPE
MICHAELIDES SULLIVAN LLP

19 By: /s/ Sara M. Thorpe

20 Sara M. Thorpe
Gary A. Barrera
21 Attorneys for Defendant and
Counterclaimant
22 NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA

24 IT IS SO ORDERED

25 Dated: May 8, 2015



26 Hon. Maria-Elena James
Magistrate Judge of the Northern District of
27 California